

**TOWN OF DAVIE  
REGULAR MEETING  
JULY 20, 2005**

**1. PLEDGE OF ALLEGIANCE**

The meeting was called to order at 7:04 p.m. and was followed by the Pledge of Allegiance.

**2. ROLL CALL**

Present at the meeting were Mayor Truex, Vice-Mayor Hubert and Councilmembers Crowley, Paul and Starkey. Also present were Town Administrator Kovanes, Town Attorney Kiar, and Town Clerk Muniz recording the meeting.

Mayor Truex requested an opinion from Mr. Kiar on whether the residents could speak at the next Council meeting during the Open Public Meeting on a quasi-judicial item. He encouraged residents to call him or any Councilmember for a copy of Mr. Kiar's opinion. Mr. Kiar advised of the rules for the Open Public Meeting and indicated that he would provide a memorandum to Council before the next meeting.

Councilmember Starkey requested that Development Services Director Mark Kutney explain the next step in the process to residents. Mr. Kutney explained the stages of the public participation plan being developed. He suggested that residents contact staff for updates on activity to occur in relation to this issue.

Councilmember Paul requested that Mr. Kiar review the minutes of meetings where Council discussed rules for public speaking regulations.

Vice-Mayor Hubert suggested that Deputy Planning and Zoning Manager Marcie Nolan collect contact information from the residents who wished to speak on this issue.

Mayor Truex announced that item 5.1 needed to be tabled to August 3, 2005. Councilmember Paul advised that the paperwork was awaiting signatures.

Councilmember Paul made a motion, seconded by Vice-Mayor Hubert, to table. In a voice vote, all voted in favor. (Motion carried 5-0)

Mayor Truex announced that item 5.8 needed to be tabled to August 3, 2005.

Councilmember Paul made a motion, seconded by Mayor Truex, to table. In a voice vote, all voted in favor. (Motion carried 5-0)

**3. APPROVAL OF CONSENT AGENDA**

*Minutes*

3.1. June 13, 2005 (Workshop Meeting)

3.2. June 15, 2005 (Regular Meeting)

*Resolutions*

3.3. **BID - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE**  
R-2005-200 **BID FOR CAFETORIUM RENOVATION AT OLD DAVIE SCHOOL. (Airmatic**  
**Controls, Inc. - \$104,975)**

3.4. **BID - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE**  
R-2005-201 **BIDS FOR FERTILIZER. (lowest responsive and responsible bidder)**

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- 3.5. **CHANGE ORDER** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,  
R-2005-202 AUTHORIZING THE MAYOR TO EXECUTE CHANGE ORDER NUMBER 6 TO  
THE CONTRACT BETWEEN THE TOWN AND MORGAN GENERAL  
MECHANICAL GROUP, INC. FOR THE CONSTRUCTION OF A FUEL ISLAND  
AT THE POLICE & FIRE/EMS FACILITY. (\$12,250)
- 3.6. **RATIFICATION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,  
R-2005-203 RATIFYING BANK UNITED, F.S.B., AS A LENDER AND PARTICIPANT IN THE  
DAVIE COMMUNITY REDEVELOPMENT AGENCY'S COMMERCIAL LOAN  
SUBSIDY PROGRAM; AND PROVIDING FOR AN EFFECTIVE DATE.
- 3.7. **CAPITAL IMPROVEMENTS PROGRAM** - A RESOLUTION OF THE TOWN OF  
R-2005-204 DAVIE, FLORIDA, PROVIDING THAT THE OBLIGATIONS SET FORTH WITHIN  
THE CONCEPTUAL PARK MANAGEMENT PLAN FOR SITE OS-05, ALSO  
KNOWN AS THE SUNDANCE AT DAVIE PARCEL, WILL BE INCLUDED  
WITHIN THE TOWN'S 5-YEAR CAPITAL IMPROVEMENTS PROGRAM.
- 3.8. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE AUTHORIZING  
R-2005-205 THE EXECUTION OF AN INTERLOCAL AGREEMENT WITH BROWARD  
COUNTY FOR THE ACQUISITION, IMPROVEMENT, OPERATION AND  
MANAGEMENT OF OPEN SPACE SITE OS-05, ALSO KNOWN AS SUNDANCE;  
AND AUTHORIZING THE EXECUTION AND FILING OF A DECLARATION OF  
RESTRICTIVE COVENANTS FOR THE SITE.
- 3.9. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA  
R-2005-206 AUTHORIZING THE TOWN COUNCIL TO ENTER INTO AN AGREEMENT WITH  
WESTBROOKE COMPANIES INC., AMENDING THE AGREEMENT TO  
DEDICATE LAND BETWEEN THE TOWN OF DAVIE AND WESTBROOKE  
COMPANIES, INC. AND PROVIDING AN EFFECTIVE DATE.
- 3.10. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA  
R-2005-207 AUTHORIZING THE TOWN COUNCIL TO ENTER INTO AN AGREEMENT WITH  
WASTE MANAGEMENT INC., OF FLORIDA AUTHORIZING WASTE  
MANAGEMENT INC., OF FLORIDA TO INDEMNIFY AND HOLD HARMLESS  
THE TOWN FOR DAMAGES AND FEES INCURRED BY THE TOWN PURSUANT  
TO LITIGATION IN DEFENSE OF THE TOWN'S EXCLUSIVE FRANCHISE  
AGREEMENT WITH WASTE MANAGEMENT INC., OF FLORIDA AND  
PROVIDING AN EFFECTIVE DATE.

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- 3.11. **AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA**  
R-2005-208 AUTHORIZING THE MAYOR AND THE TOWN ADMINISTRATOR TO ENTER INTO A DEVELOPERS AGREEMENT BETWEEN THE TOWN OF DAVIE AND DREAM HOMES OF DAVIE, LLC, FOR THE INSTALLATION AND MAINTENANCE OF MONUMENT SIGNS AND LANDSCAPE MATERIALS WITHIN THE RIGHT-OF-WAY; TO ACKNOWLEDGE SUCH APPROVAL BY AFFIXING THEIR SIGNATURES TO SAID AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE. (DA 1-2-05, Dream Homes of Davie, LLC, generally located on the north side of Orange Drive at the intersection of SW 105 Avenue)
- 3.12. **DELEGATION REQUEST - A RESOLUTION OF THE TOWN OF DAVIE,**  
R-2005-209 FLORIDA, APPROVING A DELEGATION REQUEST TO CHANGE THE DECLARATION OF RESTRICTIVE COVENANTS FOR LAKESIDE TOWN SHOPS, AND PROVIDING AN EFFECTIVE DATE. (DA 5-3-05, Lakeside Town Shops, 5700 University Drive)
- 3.13. **LIEN SUBORDINATION - A RESOLUTION OF THE TOWN OF DAVIE,**  
R-2005-210 FLORIDA, SUBORDINATING THE LIEN OF THE TOWN OF DAVIE ON PROPERTY OWNED BY DAVIE TRAVEL CENTER, INC. WITH RESPECT TO CERTAIN MORTGAGE INDEBTEDNESS AND PROVIDING AN EFFECTIVE DATE.
- 3.14. **FIRE RESCUE ASSESSMENT RATE - A RESOLUTION OF THE TOWN OF**  
R-2005-211 DAVIE, FLORIDA, RELATING TO THE PROVISION OF FIRE RESCUE SERVICES, FACILITIES AND PROGRAMS IN THE TOWN OF DAVIE, FLORIDA; ESTABLISHING THE ESTIMATED ASSESSMENT RATE FOR FIRE RESCUE ASSESSMENTS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2005; DIRECTING THE PREPARATION OF AN ASSESSMENT ROLL; AUTHORIZING A PUBLIC HEARING AND DIRECTING THE PROVISION OF NOTICE THEREOF; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

*Quasi-Judicial Consent Agenda*

- 3.15. **PLAT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A**  
R-2005-212 PLAT KNOWN AS THE "ANYA PLAT NO. 1" AND AUTHORIZING THE MAYOR AND TOWN CLERK TO ACKNOWLEDGE THE APPROVAL BY AFFIXING THE MAYOR'S SIGNATURE AND THE TOWN SEAL TO SUCH PLAT; AND PROVIDING AN EFFECTIVE DATE. (P 2-2-05, Anya Group Inc., 1525 SW 112 Avenue) *Planning and Zoning Board recommended approval*

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- 3.16. SP 2-4-03, Oak Scholar Academy Charter School, 3655 Shotgun Road (AG) (tabled from July 6, 2005) *Site Plan Committee recommended approval subject to compliance with the staff report and in addition 1) that the petitioner will install pavers in the four crosswalks of the 24-foot bypass drop-off area; 2) that the left-turn at the traffic circle be manually controlled by school staff during peak drop-off and pickup times; 3) that the sidewalk at the main entrance on the north side of the school shall be widened to an eight-foot clearance and move the decorative circles in order to achieve that widening; 4) that the petitioner agrees to prohibit cafeteria deliveries during peak drop-off and pickup times; 5) that a can wash will be installed by the dumpsters; 6) that the Queen Palms in the courtyard areas will be changed to double Alexandra Palms 18-to 20-feet tall; 7) that the Bald Cypress on the south property line will be changed to Live Oaks; 8) that the Sabal Palms at the northeast and southeast corners of the buss drop-off entrance area will be changed to heights of 16-to 30-foot overall; 9) maintain lighting at 3.0 at the main entrance and drop-off and pickup lanes; and 10) that there shall be a real bell in the bell tower*
- 3.17. SP 6-11-04, Forest Lawn Funeral Home, 2401 Davie Road (B-2) *Site Plan Committee recommended approval based on the planning report and these items: 1) that the applicant reconfigure the parking on the north side of the building to allow a designated drop-off sidewalk that goes from the front of the building to the driveway; 2) that on the west side of the building, under the covered area abutting the building and flush with the driveway, to provide a four-foot area along the entire length of the building done in pavers for a pedestrian walkway; 3) that the garage door on the east side be a paneled garage door and that the structure over the top of it be arched similar to the entrance way; and 4) that the final site plan and landscaping plans be submitted to staff for review of the changes to determine that they are compliant with Code*
- 3.18. SP 11-2-04, Wachovia-Lakeside, 5700 South University Drive (UC) *Site Plan Committee recommended approval subject to the staff's comments and that the front entrance doors would have six-feet from the doors to the edge of the "drip line" of the front roof, and that it be done by whatever means the petitioner needed to do it*

Councilmember Starkey pulled item 3.15. Vice-Mayor Hubert pulled items 3.3 and 3.14. Councilmember Paul pulled items 3.11 and 3.16.

Vice-Mayor Hubert made a motion, seconded by Councilmember Starkey, to approve the Consent Agenda minus items 3.3, 3.11, 3.14, 3.15 and 3.16. In a voice vote, all voted in favor. (Motion carried 5-0)

**4. DISCUSSION OF CONSENT AGENDA ITEMS**

3.3 Vice-Mayor Hubert asked about the Town's financial support for the Old Davie School. She felt that in light of this support, the Police Athletic League (PAL) should be considered for more funding assistance. Vice-Mayor Hubert asked if Council would be willing to waive the fees for cheerleading and football at the PAL. Councilmember Starkey advised that there was already a sliding fee scale. Mayor Truex suggested that Vice-Mayor Hubert put this item on an upcoming agenda.

Councilmember Crowley made a motion, seconded by Mayor Truex, to approve. In a voice vote, all voted in favor. (Motion carried 5-0)

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3.11 Councilmember Paul asked if the surrounding community had been approached about the sign to be placed on Orange Drive. Town Engineer Larry Peters advised that the community was aware of this.

Mayor Truex asked who would pay for maintenance. Mr. Peters indicated that the community would be responsible.

Councilmember Paul made a motion, seconded by Vice-Mayor Hubert, to approve. In a voice vote, all voted in favor. (Motion carried 5-0)

3.14 Vice-Mayor Hubert asked how the rate was determined when meetings had yet to be held. Fire Chief Don DiPetrillo explained that an estimated rate was required before the tax appraiser sent out the TRIM notice.

Councilmember Crowley asked when the "small steps" of rate increases would even off. Chief DiPetrillo was not sure but stated that the \$106 could not be exceeded this year. Councilmember Crowley voiced his concern about increases that might hurt small businesses. He requested that Chief DiPetrillo bring information about possible increases to Council's upcoming budget meetings.

Councilmember Starkey explained that in light of Council's decision not to raise ad valorem taxes, she preferred this option to offset expenses and costs. Councilmember Paul voiced her concern about the impact on small businesses.

Mayor Truex asked if the public wished to speak on this item. No one spoke.

Vice-Mayor Hubert made a motion, seconded by Councilmember Starkey, to approve. In a voice vote, with Councilmember Crowley dissenting, all voted in favor. (Motion carried 4-1)

3.15 Mayor Truex turned this portion of the meeting over to Mr. Kiar. Mr. Kiar read the rules of evidence and swore in the witnesses.

Mr. Peters summarized the planning report.

Dror Triger, representing the petitioner, explained the request.

Councilmember Starkey asked if the shared access road was recorded. Mr. Triger responded in the affirmative.

Mr. Kiar opened the public hearing portion of the meeting. As no one spoke, the public hearing was closed and turned this portion of the meeting over to Council for disclosures.

Councilmember Crowley advised that he had met with the builder.

Councilmember Starkey made a motion, seconded by Councilmember Crowley, to approve. In a voice vote, all voted in favor. (Motion carried 5-0)

4.16 This item was tabled later in the meeting during the discussion of items 5.4 and 5.5.

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**5. PUBLIC HEARING**

*Ordinances - Second and Final Reading*

- 5.1. **REZONING** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING PETITION ZB 8-1-04 REGENCY SQUARE, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM: PUD (BROWARD COUNTY); TO: B-3, PLANNED BUSINESS CENTER DISTRICT; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 8-1-04, Regency Square, Regency Square at Broward Joint Venture/C. William Laystrom Jr., 4900 SW 148 Avenue) (tabled from July 6, 2005) *Planning and Zoning Board recommended approval subject to the condition of an eight-foot wall as requested by the residents and that the developer look at some kind of added landscaping* **{Approved on First Reading May 18, 2005 - all voted in favor}**

This item was tabled earlier in the meeting.

- 5.2. **REVISION** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING A REVISION TO THE ESTIMATED REVENUES AND APPROPRIATIONS FOR THE FISCAL YEAR 2005. **{Approved on First Reading July 6, 2005 - all voted in favor}**

Town Clerk Muniz read the ordinance by title.

Mayor Truex opened the public hearing portion of the meeting. As no one spoke, the public hearing was closed.

Councilmember Starkey made a motion, seconded by Mayor Truex, to approve. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Hubert - yes; Councilmember Crowley - yes; Councilmember Paul - yes; Councilmember Starkey - yes. (Motion carried 5-0)

*Resolution*

- 5.3. **CDBG ACTION PLAN** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ADOPTING THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) ACTION PLAN FOR FY 2005/06 WHICH INCLUDES THE CDBG PROGRAM BUDGET; AUTHORIZING THE TOWN ADMINISTRATOR TO EXECUTE ALL NECESSARY CERTIFICATIONS AND GRANT RELATED DOCUMENTS; AUTHORIZING MINOR, NON-SUBSTANTIVE CHANGES TO THE ACTION PLAN WHICH MAY BE IDENTIFIED DURING THE REVIEW AND APPROVAL PROCESS WHICH DO NOT SIGNIFICANTLY AFFECT THE PURPOSE, SCOPE, BUDGET, OR INTENT OF THE PLAN; BY AUTHORIZING REFORMATTING OF THE ACTION PLAN IF REQUESTED BY HUD; AND AUTHORIZING THE SUBMISSION OF THE ACTION PLAN TO HUD.

Town Clerk Muniz read the resolution by title.

Mayor Truex opened the public hearing portion of the meeting. As no one spoke, the public hearing was closed.

Housing and Community Development Director Shirley Taylor-Prakelt advised that due to Congress' appropriation process, there was a nationwide cut of 95% would result in a loss of approximately \$41,000 to the Town this year. She stated that this reduction would curtail public services and advised that based on the submission of this resolution, the Town would receive approximately \$722,000 in community development block grant funds as of October 1.

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Mayor Truex wanted to ensure that the Town's position on affordable housing density would not be changed. Ms. Taylor-Prakelt confirmed this.

Vice-Mayor Hubert made a motion, seconded by Mayor Truex, to approve. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Hubert - yes; Councilmember Crowley - yes; Councilmember Paul - yes; Councilmember Starkey - out of the room. (Motion carried 4-0)

*Ordinance - First Reading (Second and Final Reading to be held August 3, 2005)*

5.4. **VACATION - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING VACATION PETITION VA 12-1-03, VACATING A PORTION OF THE 15 FOOT RIGHT-OF-WAY LYING SOUTH OF TRACT 40 AS SHOWN ON "FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 1", SECTION 21, TOWNSHIP 50 SOUTH, RANGE 40 EAST; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (VA 12-1-03, Oak Scholar Academy Charter School, 3655 Shotgun Road) (tabled from July 6, 2005) *Planning and Zoning Board recommended approval***

Earlier in the meeting, Mayor Truex turned this portion of the meeting over to Mr. Kiar. Mr. Kiar read the rules of evidence.

Town Clerk Muniz read ordinances 5.4 and 5.5 by title.

Mr. Kiar swore in the witnesses.

Ms. Nolan summarized the planning report and spoke of the history of the parcel.

Vice-Mayor Hubert asked whether two schools in the same area would generate more traffic. Ms. Nolan responded in the affirmative.

Ms. Nolan explained the nature of the vacation request.

Councilmember Paul asked if there had been any discussion with the Broward County School Board about a road to facilitate combined usage for the two properties. Ms. Nolan advised that she was not aware of such discussions. Councilmember Starkey recalled a meeting held with the School Board on the site where a shared access road had been requested. Ms. Nolan advised that staff was not aware of these discussions. Councilmember Crowley asked about the location of the emergency access. Ms. Nolan advised it was on the north side.

Bill Laystrom, representing the petitioner, advised that the School Board would not develop a middle school on this site. He spoke of the Charter School format and advised that preference would be given to Davie residents via a waiting list. Mr. Laystrom indicated that the applicant had addressed issues such as stacking to accommodate more cars. He added that the applicant was proposing 450 elementary students in the first year and 450 middle school students in the second year. Mr. Laystrom explained that bus service would be provided on a contract basis and that school drop-off hours would be staggered to facilitate smoother traffic. He added that a left-hand turn and a crossing guard or security guard were proposed as additional traffic calming measures.

Jeff Evans, architect for the project, discussed the details of the site plan details, drop off location and design elements. Mr. Laystrom explained that the activity center would not be lit and that the entranceways were platted to the south. He advised that the applicant had hired a specialist who worked with the School Board to create the Charter for the school.

Tabitha Muzino spoke of the proposed plans and features for the school, teacher qualifications and the proposed curriculum.

Vice-Mayor Hubert asked about fees. Ms. Muzino advised that no tuition was charged for Charter Schools. Vice-Mayor Hubert and Councilmember Paul voiced their concerns about students on the east side who might not be able to commute to attend the school.

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Councilmember Crowley voiced his concern about the small percentage of Davie's population who would be served by the school. Ms. Muzino stressed that the goal was a Davie school. Mr. Laystrom spoke in favor of opening this school as he felt this would reduce overcrowding at other schools throughout the Town.

Councilmember Starkey requested if it could be made mandatory for teachers to be outside during the staggered drop off times. Ms. Muzino stated the client would be willing to discuss implementing these measures with the administration.

Mayor Truex asked about the proposed hours of operation. Ms. Muzino advised that school hours would be from 9:15 a.m. to 2:45 p.m. with before and after care. She clarified that operating hours would be from 7:00 a.m. with an extended day running until 6:00 p.m. Mr. Laystrom explained that the goal was to start the school day earlier. Mayor Truex asked about the difference in traffic generated. Jose Rodriguez, traffic engineer for the project, explained that approximately 200-plus vehicles were anticipated during peak hours. Mayor Truex asked about extra curricular activities. Ms. Muzino explained that indoor evening activities would include PTA meetings and open houses, which were sporadic. She added that other activities such as club meetings or special events were expected to end early. Mayor Truex asked if the site would be restricted to not go to another CF zoning. Mr. Laystrom responded affirmatively.

Vice-Mayor Hubert asked whether the proposed County school would generate the same traffic. Mr. Laystrom advised the County's school would have more traffic as 2,500-plus students were anticipated.

Councilmember Starkey discussed earlier efforts to alert Riverstone residents that a school was proposed for the area. She spoke of a School Board member who had expressed a desire to use the site as a vehicle maintenance facility. Councilmember Starkey suggested that residents contact the School Board members to let them know that this was not an acceptable usage as this site was zoned CF for a school only or it would revert to agricultural usage.

Councilmember Paul wanted to clarify that the applicant would not pay ad-valorem taxes, which Mr. Laystrom confirmed. Mr. Laystrom agreed that the applicant would not request fee or permit waivers. Councilmember Paul questioned the staggered drop off times as she felt these extended the busy time at the school. She spoke of the residents' meeting and asked that the list of attendees be provided. Mr. Laystrom indicated he had submitted the list to Mr. Kovanes. Councilmember Paul was concerned about the traffic issue and wanted the Town to consider conducting a traffic study.

Councilmember Crowley asked about emergency access. Mr. Laystrom spoke of the Fire Department's request for an additional emergency access point on the north boundary of the property along the culvert, which was not yet reflected on the plans. Councilmember Crowley wanted to see the emergency access provided independent of the parking lot area in light of the traffic concerns. He asked if the lottery system would be similar to Nova University's lottery. Ms. Muzino responded affirmatively.

James Todd, representing Keith and Schnars, further explained where the stabilized roadway was. Chief DiPetrillo explained that his preference was for emergency access on the west end.

Councilmember Crowley also spoke of the need for more stormwater storage on site. Mr. Todd explained that all Town standards were met.

Mr. Kiar opened the public hearing portion of the meeting.

Mike Bender, Planning and Zoning Board Chair, stressed that more schools were needed in Davie. He recalled Mr. Laystrom's statement that the neighboring site would not be developed by the School Board and pointed out that the School Board could change in the future. Mr. Bender felt this site was not suitable for a school and spoke of the traffic problems on Shotgun Road. He stated a traffic study was needed and asked that the item be tabled. Mayor Truex asked Mr. Bender if he was against the middle school. Mr. Bender responded in the negative.



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Art Waggenheim, 14922 SW 33 Street, asked that Council table this item until the homeowners association at Riverstone was formed.

Jackie Simmons, 2601 SW 155 Lane, felt that the School Board would develop their site at some point. She voiced her concern about the staggered drop off times for parents with more than one child.

Fiona Cole, 2940 SW 155 Lane, spoke against the project and was concerned with traffic and parking.

Jed Brazer, 14900 SW 33 Street, spoke against the project and the traffic the project would bring.

Ginger Collins, 14922 SW 36 Street, spoke against the project and requested that Council table this item to give the Riverstone residents a chance to hold its homeowners association meeting.

Mr. Kiar closed the public hearing and turned this portion of the meeting over to Council for disclosures.

Councilmember Paul advised that she had met with residents and had spoken with Mr. Bender. Councilmember Starkey advised that she had spoken with Mr. Laystrom and Mr. Bender and had received emails from residents. Mayor Truex advised that he had received emails and had spoken with some residents and the applicants' representatives. Councilmember Crowley advised that he had attended the Site Plan Committee meeting and had spoken with Mr. Laystrom. Vice-Mayor Hubert advised that she had received some emails.

Mr. Laystrom summarized his presentation and addressed the resident's and Council's concerns about traffic and the roundabout. He advised that the applicant would agree to the location of the pedestrian walkway and that there would be no swale parking.

Councilmember Paul felt that there was a flaw in the communication between the School Board and municipalities regarding sites for Charter Schools. She was in favor of tabling the item to give the homeowners association time to meet. Councilmember Paul suggested that the developer explore the possibility of swapping some land with the School Board. She was concerned about the dry retention and traffic. Councilmember Paul indicated that she would be reluctant to support the project at this time.

Councilmember Starkey voiced her support for the project. She spoke of northern cities that used traffic lights within traffic circles to regulate traffic during school and peak hours. Councilmember Starkey indicated that speed indicators could be placed on school zone signs and requested that the applicant explore such traffic calming features. She agreed that a school was needed in the area to relieve school overcrowding.

Mr. Laystrom indicated that he would consider tabling this item in order to bring a report on his conversation with the School Board back to Council. Councilmember Starkey was against vacating the road right-of-way.

Councilmember Crowley asked that drainage plans with calculations for adequate storage be submitted to Council.

Vice-Mayor Hubert requested that the applicant meet with residents of Palma Nova and Potters Park so students could sign up for transportation to the school.

Mayor Truex felt this project was not going anywhere and he was not in favor of tabling this item. Councilmember Starkey disagreed and spoke of the deficiencies in the School Board's system and the need for more schools. She stressed the need to look at alternatives to resolve traffic conflicts.

Vice-Mayor Hubert made a motion, seconded by Councilmember Starkey, to table to August 3, 2005.

Councilmember Crowley asked how the applicant planned to address all the issues within two weeks. Mr. Laystrom indicated that the applicant could provide an update to Council in two weeks. Councilmember Starkey clarified that the traffic lights she requested were decorative poles with flashers.

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In a roll call vote, the vote was as follows: Mayor Truex - no; Vice-Mayor Hubert - yes; Councilmember Crowley - yes; Councilmember Paul - yes; Councilmember Starkey - yes. (Motion carried 4-1)

*Ordinance - First Reading/Quasi Judicial Item (Second and Final Reading to be held August 3, 2005)*

5.5. **REZONING** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING PETITION ZB 2-4-03, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM AG, AGRICULTURAL DISTRICT TO CF, COMMUNITY FACILITIES DISTRICT; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 2-4-03, Oak Scholar of Broward, LLC, 3655 Shotgun Road) (tabled from July 6, 2005) *Planning and Zoning Board recommended denial*

This item was tabled during the discussion of item 5.4.

*Quasi Judicial Item*

5.6. **SPECIAL PERMIT** - SE 3-2-05, Dempsey, 5451 SW 64 Avenue (CF) *Planning and Zoning recommended approval subject to a 36 month time line*

Earlier in the meeting, Mayor Truex turned this portion of the meeting over to Mr. Kiar. Mr. Kiar read the rules of evidence and swore in the witnesses.

Mr. Kutney summarized the planning report.

Judy Dempsey, representing the petitioner, summarized the nature of the request and explained that there would only be 40 students in a modular building.

Mr. Kiar opened the public hearing portion of the meeting. As no one spoke, Mr. Kiar closed the public hearing and turned this portion of the meeting over to Council for disclosures.

Vice-Mayor Hubert advised that she had spoken with Ms. Dempsey. Councilmember Crowley advised that he had met with Ms. Dempsey and staff.

Councilmember Crowley made a motion, seconded by Vice-Mayor Hubert, to approve. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Hubert - yes; Councilmember Crowley - yes; Councilmember Paul - yes; Councilmember Starkey - yes. (Motion carried 5-0)

*Site Plan/Quasi Judicial Item*

5.7. SP 8-4-03, DiBenedetto Multi-Tenant Building, 5490 Griffin Road (Griffin Corridor District, East Gateway Use Zone 3) (tabled from June 15, 2005) *Site Plan Committee recommended approval based on the planning report and 1) that the engineering and landscape plans be brought back before this Committee corrected and matching the site plan with consistent landscaping throughout the property; 2) that the drainage issues be addressed; 3) to reduce the number of steps coming from the parking area to one, five-foot wide; 4) that the applicant apply for a parking variance; and 5) that the tabulations for parking reflect the daytime use and nighttime use*

Mayor Truex turned this portion of the meeting over to Mr. Kiar. Mr. Kiar read the rules of evidence and swore in the witnesses.

Ms. Nolan read the staff report.

Mayor Truex questioned whether access would be on the residential street to the side of the property. Ms. Nolan responded affirmatively.

Councilmember Crowley questioned whether the back of the building could be used. Scott DeSteffano responded in the affirmative and explained design features illustrated.

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Mr. Kiar opened the public hearing portion of the meeting.

Mr. Kutney explained that the property did not conform to the overall context of the Griffin Road corridor. He spoke of staff's goal to develop an ordinance to mandate that properties that came in for future development would correct this.

Mr. Kiar closed the public hearing and turned this portion of the meeting over to Council for disclosures. Councilmember Crowley advised that he had spoken with the engineer on record. Vice-Mayor Hubert advised that she had spoken with the owner.

Mayor Truex was not in support of the project as he felt it was contrary to the context of the Griffin Road corridor. He felt this was not a hardship case and was not in favor of the Florida vernacular look. Mayor Truex felt it was wrong to approve substandard parcels. He voiced his concern about the commercial traffic on a residential street and felt the residents deserved better. Mayor Truex added that the existing building also did not comply and stressed the need for Council to stand firm on its goals for the corridor. He was in favor of denying the waivers.

Vice-Mayor Hubert was concerned about hurting the small business and pointed out that it was there before Griffin Road. Mayor Truex felt this project would be another eyesore on the corridor. He spoke of the Council's hard work on outlining the vision for the corridor. Vice-Mayor Hubert objected to taking the building from the owner.

Councilmember Crowley asked about the possibilities for the site in light of the existing conditions. Mr. Kutney suggested tabling this item to see what the property owner would be willing to do to redevelop the site. Councilmember Crowley suggested that the vacant parcel to the west could be developed while the existing site could be used for parking. He was in favor of tabling this item to allow the developer time to work on the design.

Councilmember Starkey was in favor of tabling this item and the design problems reviewed.

Ian Villasenor, engineer on record, was in favor of trying to make the project work so the existing building would not remain an eyesore for years.

Councilmember Paul was in favor of tabling this item.

Mayor Truex wanted to look into the option of not having an access on the residential street.

Councilmember Paul made a motion, seconded by Vice-Mayor Hubert, to table to August 17, 2005. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Hubert - yes; Councilmember Crowley - yes; Councilmember Paul - yes; Councilmember Starkey - yes. (Motion carried 5-0)

*Item to be tabled*

**5.8. STAFF REQUESTING A TABLING TO AUGUST 3, 2005**

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, DECLARING A MORATORIUM FOR A PERIOD OF ONE HUNDRED AND EIGHTY (180) DAYS COMMENCING UPON THE ADOPTION OF THIS ORDINANCE; STATING THE FINDINGS AND REASONS FOR A MORATORIUM; PROHIBITING THE FILING OF ANY APPLICATION FOR ANY ADULT ENTERTAINMENT FACILITY OR ANY OTHER APPLICATIONS PERMITTED UNDER THE DAVIE CODE OF ORDINANCES RELATED TO THE USE OF ANY BUILDING FOR THE OPERATION OF AN ADULT ENTERTAINMENT FACILITY WITHIN THE TOWN OF DAVIE DURING THE MORATORIUM PERIOD; PROVIDING THE SCOPE OF THE MORATORIUM; PROVIDING FOR A DURATION; PROVIDING FOR SEVERABILITY, AND AN EFFECTIVE DATE. **{Approved on First Reading June 15, 2005 - all voted in favor}**

This item was tabled earlier in the meeting.

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**6. APPOINTMENTS**

- 6.1. Airport Advisory Board (one exclusive appointment - Councilmembers Crowley and Paul; terms expire December 2005)

No appointment was made.

- 6.2. School Advisory Board (two exclusive appointments - Vice-Mayor Hubert; terms expire April 2006) (insofar as possible, members are to have experience in educational matters)

No appointments were made.

- 6.3. Senior Citizen Advisory Committee (two exclusive appointments - Vice-Mayor Hubert; terms expire April 2006) (members shall be a minimum 60 years of age)

No appointments were made.

- 6.4. Water and Environmental Advisory Board (one exclusive appointment - Mayor Truex; term expires April 2006) (insofar as possible, one member shall be a licensed engineer)

No appointment was made.

**7. OLD BUSINESS**

No old business was discussed.

**8. NEW BUSINESS**

- 8.1. Legislative Update - Representative Susan Goldstein

Earlier in the meeting, Representative Goldstein provided Council with a legislative update on activities in Tallahassee and stated that the budget had been approved by an overwhelming majority. She advised of an increase in education funding by \$1.3 billion dollars. Representative Goldstein stressed that education was funded by ad valorem taxes and indicated that \$387 million would go toward the voluntary pre-K effort. She advised that \$50 million would go toward curtailing the waiting list for developmental efforts. Additionally, Representative Goldstein advised that \$400 million more was allocated for the vulnerable and medically needy; \$193 million for affordable housing; \$4.2 billion for the environment and growth management efforts; and \$6 billion for transportation efforts.

Representative Goldstein spoke of tax cuts implemented and of the sales tax holidays. She advised that \$1 billion was set aside for hurricane preparedness and spoke of the State's concerns regarding slot machines. Representative Goldstein indicated that she had worked hard on the sexual predator bill. Councilmember Starkey thanked Representative Goldstein for sponsoring this bill.

Representative Goldstein advised she would be sponsoring the bill for first responder police and fire officials to go into a higher risk category for earlier retirement. She added that she sponsored a bill to limit the amount of mercury in children's vaccines and warned of the dangers of mercury in vaccines.

- 8.2. Miami Dolphins for Guns & Hoses Assistance

Earlier in the meeting, Councilmember Starkey presented the Miami Dolphins with a miniature statue in recognition of their help with the Guns & Hoses Golf Tournament. She advised that the next Guns & Hoses Golf Tournament, as well as the unveiling of the statue at Pine Island Park, would be May 22, 2006.

- 8.3. Rising Stars/PONY National Girls Fast-Pitch Softball Championship - A Thank You from the Governor

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Earlier in the meeting, Jim Parson, 10431 SW 16 Place, spoke of the Rising Stars and PONY National Softball Tournament being held July 23rd - July 24th. He read Governor Jeb Bush's letter thanking Mayor Truex and the Council for their work on organizing the tournaments.

#### **8.4. Supreme Court Decision on Eminent Domain**

Councilmember Paul spoke of the recent Supreme Court decision on eminent domain and voiced her concerns about mobile homes being designated as "blighted areas". Mr. Kiar advised that a brief presentation would be given to Council. Councilmember Starkey wished to discuss this in more depth at a later meeting. Councilmember Paul requested that all relevant information be compiled and added to the next meeting's Agenda under Old Business.

Councilmember Crowley voiced his concerns about District 2.

## **9. MAYOR/COUNCILMEMBER'S COMMENTS**

### **COUNCILMEMBER CROWLEY**

**PARK CITY.** Councilmember Crowley voiced his concerns about old homes being demolished without evidence of permits in Park City.

### **COUNCILMEMBER STARKEY**

**SOUTH FLORIDA EDUCATIONAL COMPLEX.** Councilmember Starkey requested follow up information on the South Florida Educational Complex.

**ECONOMIC DEVELOPMENT COUNCIL.** Councilmember Starkey requested that the copies of minutes and notices of the Economic Development Council meetings be provided to Council.

**THANKS.** Councilmember Starkey thanked staff for following up on recent flooding issues in District 3. She requested a follow up on the resolution discussed and a report on meetings held.

**FLORIDA LEAGUE OF CITIES.** Councilmember Starkey advised she had been appointed to the Florida League of Cities Nomination Committee for the League of Cities.

### **COUNCILMEMBER PAUL**

**AGENDA REPORTS.** Councilmember Paul wanted to see more detail in the agenda reports especially if items were interrelated.

**WASTE MANAGEMENT.** Councilmember Paul asked what the next step was on the Waste Management issue. Assistant Town Administrator Ken Cohen indicated that he would be going in the field with Mr. Spadaccia to determine why trash was qualified for pick up in some instances and not others.

Councilmember Crowley asked Mr. Cohen to voice District 2's concerns when he met with Mr. Spadaccia. Councilmember Paul wanted communication to be improved with Mr. Spadaccia.

Councilmember Starkey stated there were very few complaints with the residents in her district and felt a consistent message was needed regarding what the service contract stated. She felt the Town could do better on educating the public on this issue, which was the responsibility of the Town's contract administrator. Mr. Cohen advised of staff's intent to provide a simple instructional notice to residents who needed the additional clarification. Mayor Truex asked if this notice explained the contract. Mr. Cohen advised that the notice would explain bulk collection. Mayor Truex felt the contract was not reasonable for most people and indicated that a special meeting was needed to resolve this issue. Mr. Cohen felt that staff needed to address the existing contract.

Councilmember Paul voiced her frustration about the mixed messages residents were receiving about what would be collected. Councilmember Starkey stated that staff should be resolving these

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scenarios. She pointed out that there were various provisions in the contract that gave residents more pick up options for additional fees.

Mayor Truex requested all relevant information from staff on this item.

**MAYOR TRUEX**

**BALLOONS/SIGNAGE.** Mayor Truex wanted Council's opinion on balloons or signage in Council Chambers. Council did not object to signage if it was not obtrusive.

**DAVIE COMMONS.** Mayor Truex asked whether the Town had been consulted for professional expertise in various areas for the Davie Commons project. Mr. Kutney advised that consultants from the Town were being used for the land use plan application, the Development of Regional Impact review, and for traffic studies. Mayor Truex questioned whether the Town would have its own independent experts. Mr. Kutney responded affirmatively. Mayor Truex asked about consultants for lighting and noise. Ms. Nolan responded no plans had been submitted for lighting review, however, consultants would be hired. She added that staff could begin working on noise consultant.

**10. TOWN ADMINISTRATOR'S COMMENTS**

**BUDGET.** Mr. Kovanes advised that the budget would be delivered to Council on July 22nd.

**11. TOWN ATTORNEY'S COMMENTS**

No comments were provided.

**12. ADJOURNMENT**

There being no further business to discuss and no objections, the meeting was adjourned at 12:17 a.m.

Approved \_\_\_\_\_

\_\_\_\_\_  
Mayor/Councilmember

\_\_\_\_\_  
Town Clerk